App. F. IX-4

Previous References

File No. 32- 3

Serial Nos. 1 –

Later References.
Law 1552 Vol 1-4

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 5

Part B for November 34

SUBJECT.

Re case of lands at Mandya
now the Rural Bazaar
at Kanjangud.

General and Revenue Secretariat

Re: lease of lands at Thandya belonging to Sri Sri Sri Sankaracharya Swamiji Sringeri Mr. Nanjangud

[App. F. III—2

File No. 72 of 193 3

Serial No.	
1	Letter No. 1592/33-34 dt 20.7.1934 from the Mysore Commissioner requesting sanction to the Mysore Government Commissioner's recommendation for Conceding the existing lease of lands reserved to them in favour of Mr Venkatapathi Jois and ~~to be held~~ leased to him for a short period of 5 or 10 years, the advance paid by Mr Venkatapathi Jois having been adjusted towards rent of 1932-33.

No stamped Kararu Muchalike in Form No 730-1 have been executed by Venkatapathi. The Lessee Jois. (Infact the stamped paper is not found among the records).

The proposal is that the Rent ... Rs ... per annum be reduced to Rs ... and the rent of 33-34 be granted and that no attempts were made by Mr. to file the ... The ...

11/8/34

Cancellation of the existing lease

Date File No. of 193

Kind reference is invited to the notes & orders in Mrs Col No 29 Sls 1-4 of Mr 32/pt ap. that Mr Venkatapathi Jois would not be successful had been anticipated.

The present proposal of the Mgt may perhaps be cancelled after Consulting the Law Secty as to how far Mr Venkatapathi Jois could be held responsible for the loss the temple has incurred & whether the proposal of the Mgt would give cause for action to Mr V. pati Jois.

8/8/34

Secretary

2nd Mr)

16/8

16/8

SIO

17/8

Law Secty)

20/8/34

Serial No.

1) The lease deed executed by mr: Jos is not in the file. It is necessary for examining the question regarding the powers of the lessor to cancel the lease. It may be obtained from sub reg.

Mnz Br)

22/8

22/8

Dft Called for the lease deed in original

for orders

GJ 25/8/34 mw

mne.

mz 28/8

TYPING SECTION
GENL & REV SECT.

2 No 287 of 1.9.34 to the Muzrai Commissioner calling for the lease deed referred to in cover.

3 Petition of 5.9.34 from Shala Purohit Venkatapathi Jois of Nanjangud praying for the refund of the deposit given by him in Re: lands of Sri Srikanteswara Swami at Thandya leased out to him as also damages for failure of crops caused by the unnecessary interference of the local officers.

4 Letter No 15.92 of 8.9.34 from the Muzrai Commissioner inviting reference to the Statements of the lessee of 6/4/34 and to the Amildars report of 24/5/34 and stating that the lessee evaded execution of the lease deed even though several notices

Lease of Sandy lands Queen
to Venkatapatti Jois of Ranjangad

My File No. of 193 General and Revenue Secretariat

Recd issued. 8 hrs -

1. Venkatapatti Jois, the lessee of lands, is now asking for the refund of the deposit (which he alleged to have been also, I am afraid, misappropriated by him due to the interference of the local officials. That he was placed in possession of the lands before he executed the lease deed (although it is stated, to be an irregularity - From the P.M. it is seen that the lessee in fact evaded the execution of the deed —

2) The Dte Mayne refd. to Law Secy with D.O. No. 10 Rpse —

G.S. 21/9/32

Rpse: Pass to Bhpm.

21/9/32

Asst. Law Deptt
With Compts)

Sanction is accorded in G.O. dated 7th inst 1932 to lease out the tank bed of Thandya Valley measuring 11 acres and 16 guntas granted to Sokkanaswamy Swamy Temple at Ranjangad, to one Venkatapathi Jois on an annual rental of Rs 300/- for 20 yrs subject to several Conditions; the lessee is reported to have paid an advance of Rs 150/-. He was put in possession of the properties. The execution of the lease deed was postponed for some reason or other. Now it is reported that the lessee is putting up some taking it over for payment of rent and hence the

Serial No.

DC. recommends the Cancellation of the lease after adjusting the advance paid by the lessee towards the rent for the yr 1933-34, the rent due for 1934 being waived as no crops have been raised. Now the question is as pointed out in para 6 supra how far the liability of the lessee can be enforced for the loss sustained by the temple. In the absence of the regular lease deed in writing it is difficult to fix the responsibility of the lessee. The only course possible is to accept the recommendation of the Revg. Commr. to cancel the lease and to order for a fresh sale.

ISD 2/10

R.O. No. P 5807/34 dated 1.10.34.

(17) Forwarded with compliments to the Govt advocate for favour of opinion on the points raised at 'A' in the note of 8.8.34, para 6 supra

Boppanna
1/10/34

Returned with compliments.

18 The question is whether Venkatapathi Jois would be liable for the loss that the temple may incur by cancelling the lease in his favour and by leasing it afresh as suggested by the Revenue authorities.

19 The petition dated 5-9-1934 filed by Venkatapathi Jois as also a previous petition filed by him on 10-4-1934 make out that it was necessary to drain off the water in order to enable him to cultivate the whole of the land leased and that he did drain it off on one occasion by

effecting

effecting a small breach in the tank bund. But the authorities seem to have called upon him to close the breach at once as the water would cut up the Mysore-Nilgiris road and it was afterwards actually closed up.

(2) The correspondence between the Revenue Officers makes out that to have the entire bed of the tank cultivated, it is very necessary that the water should be drained off in some manner and the Engineering Department was also consulted in the matter. But, the records do not show that anything tangible was done to afford relief to Mr. Venkatapathi Jois. The Amildar's recommendation on 24-5-1934 was that - the land may be leased out afresh after the tank - was breached and necessary facilities created. In his letter to the Deputy Commissioner of Mysore, dated 25-5-1933, the Sub-Division Officer has reported - that Mr. Venkatapathi Jois was complaining of the - loss to which he was exposed and that he refused to execute the lease deed unless the water was drained off. His attitude does not seem to me to be wrong. Under the circumstances, Mr. Venkatapathi Jois cannot be held liable for any loss the temple may incur by - leasing the land afresh.

V. M. Aiyangar
Government Advocate.
13-10-1934.

H.

Inform HC accordingly

19/11

Serial No.

Page 2 of the note.

Law Secy has not furnished opinion in regard to the last portion of the para 6 — particularly the last portion marked A. viz whether the proposal of the M.C would give cause for action to Mrs Venkatapathi Jois. If appd, the file will be sent to Law Secy again for favour of opinion.

21/10

2/11/34

2/11 Pleader's note 23/10

2/11 In his petition dated 5/9/34 Mrs. Venkatapathi Jois has asked for (1) the refund of his deposit of Rs 150/- (2) Rs 3000/- for damages on account of the loss of crops and (3) Rs 1000/- towards repairs got done by him at his cost. (vide para 13 of the note.)

2/6 The M.C. has asked for sanction (1) to cancel the existing lease in favour of Mrs. Venkatapathi Jois and to a fresh sale for a period of 5 or 10 years and (2) to adjust deposit amount of Rs 150/- towards rent for 32-33.

2/7 In para 6 of the note the opinion of the Law Secy was called for on the two points viz (1) whether Mrs. Venkatapathi Jois could be held responsible for the loss the temple has incurred and (2) whether the proposal of the M.C would give cause for action to Mrs. Venkatapathi Jois. The Govt. Advr. is of opinion that Mrs V. Jois cannot be held liable for any loss the temple may incur by leasing the land afresh.

WD 01955—GPB—22,500—12 6 34

File No. of 193 | General and Revenue Secretariat

28) The opinion of the Law Section will be approved to be called for on the points (1) whether the M. C's. proposal may be sanctioned and (2) whether the M. C's proposal would give cause for action to Mrs. V. Jois also how far the requests preferred by Sahib for orders. 29) Mr. V. Jois in his petition dt 5/9/34 and 26/10/34 are tenable.

Yes 2/11/34

Asst Secy, Law Dept
With Compts

24/10/34

30) Forwarded with Compliments to the Govt Advocate for favour of further opinion on the points raised above.

M.O.No. 70 dt 25.10.34

Yours obediently
26/10/34

Returned with Compliments.

31) I have already referred in my note dated 13th October 1934 to the letter wherein the Sub Division Officer has reported that Mr. Venkatapatni Jois refused to execute the lease deed unless the water was drained off. He has thus failed to complete the terms of the contract and if therefore the land is leased afresh, it would not give any cause of action to Mr. Venkatapatni Jois.

M. Mayyavaiah
Government Advocate.

GSN/1.11.34

32) There is no legal bar in therefore to M.C's proposal

GENL. & REV. SECRET
2 NOV. 1934
M. SECRETARIAT BRANCH

General and Revenue Secretariat — File No. ~~775~~ 32 of 1934.

Serial No.

3u D/: Rcvd

Put up clean draft please
J
7/11

Gr 7/11

Gr 7/11 Rd.

Air Sh Rcvd
& Views of the legal opinion
Draft to Govt
at paras 3/4/32 & 5 for approval.
J
9/11/34

Ch: Secy)

SECGO M- 3 GOVT. BL.
23 NOV. 1934
No 3757

I Member)

S/R
24/11

RR
24/11/34
J
25/11

26. NOV. 1934

5 — G.O No 775-6 of 21-11-1934 Sanctioning the recommendation of the Inspector General Commissioner in Rl.

B/
5/12

File No. of 193 .

General and Revenue Secretariat

GENL. 67 24 JUL 1934

OFFICE OF THE MUZRAI COMMISSIONER,
IN MYSORE,

Mug 32-34 Dated, Bangalore, 14th July 193

FROM

N. MADHAVA RAO, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

S. Shamanna, Esq., P.A., ...
Secretary to the Government of His Highness
the Maharaja of Mysore,
Financial.....*Department.*

SIR,

Subject:- Lease of lands at Thandya belonging to the Sri Srikanteswaraswami Temple at Nanjangud.

Adverting to Government Proceedings No.730-31/Muz.29-32-4 dated 7th November 1932 re: the above, I have the honor to forward herewith a copy of letter No.H.1170/33 dated 14th June 1934 received from the Deputy Commissioner, Mysore District, recommending that the existing lease in favour of Mr. Venkatapathi Jois may be cancelled and a fresh sale ordered to be held for a shorter period of 5 or 10 years.

2. In the circumstances explained, I request that the Deputy Commissioner's recommendations may be approved, the advance of Rs 150/- paid by Mr. Venkatapathi Jois being adjusted towards the rent of 1932-33.

3. The file of vernacular papers is enclosed for reference and return.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

mh

Letter No.H.1170/33 dated 14-6-34 from the Deputy Commissioner, Mysore District. to the Muzrai Commissioner in Mysore.

Lease of lands at Thandya - belonging to Nanjangud temple.

With reference to Government Order No.730-31/Muz.29-32-4 dated 7th November 1932 sanctioning the lease of lands at Thandya belonging to Nanjangud temple for a period of 20 years in favour of Mr. Venkatapathi Jois on an annual rental of Rs.300/-, I have the honor to state that the lessee has paid so far an advance of Rs.150/-. During the year 1932-33 the lessee cut open the bund of the tank to drain off the water stagnated within the tank bed with the result that the water drained, accumulated by the side of the Bangalore-Nilgiri Road. As there was danger to the road, the opening made in the tank bund was closed at the cost of Government as the lessee did not close the same in spite of notice issued to him. The lessee has been petitioning that on account of the closing of the opening his tobacco crop on the land was damaged as water could not get out of the tank bed, that he has spent a heavy amount for making the land fit for cultivation and that the loss sustained by him should be made good by Government

2. The Amildar reports that in the present condition of the tank bed the entire extent cannot be brought under cultivation till the bund is breached that the lessee had no doubt raised tobacco crop during 1932-33, that the deposit paid by him may be adjusted towards the rent of last year, that he has raised no crops this year and the rent thereof may be waived, and that the lease may be ordered to be sold afresh after the tank is breached.

3. The lessee has been putting forward some takrar or other from the beginning for payment of rent. Under the circumstances reported by the Amildar, the existing lease in favour of Mr. Venkatapathi Jois may be cancelled and a fresh sale ordered to be held by the Amildar for a shorter period of 5 or 10 years.

4. The Executive Engineer, Mysore Division, will be requested to furnish an estimate for draining the water without causing damage to the road. After the estimate is received necessary action will be taken.

5. The connected file of records is submitted for reference.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MY

General and Revenue Secretariat

Bangalore, Dated 1-9-34

No. 287 Records.

From Mg 32-34-2

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,

Bangalore.

Sir,

With reference to your letter 1592/33-34 dated 20th July 1934 about the cancellation of the lease of lands at Thandya belonging to Sri Srikanteswaraswami temple at Nanjangud given to Mr.Venkatapathi Jois at the place, I am directed to request you to be so good as to obtain and forward the lease deed executed by Mr.V.Jois as the same is not among the records received with your letter under advertence.

Records are returned for reference and retransmission with your reply.

I have the honor to be,

Sir,

Your most obedient servant,

D.S. Narasimhaiya

For Chief Secretary to Govt.

Appendix FG—1]

SUBJECT .....

.....

.....

Section Rej

File No. 32-34

Serial No. 2

Diary No. of letter replied to 67

No. 289 Revenue

To

The R. C

General and Revenue Secretariat

( )

the *193* .

Date of issue 1-9-34

Signed by Mr. T. S. Narayana Iyengar for

Sir,

With reference to your letter No. 1592/33. Rev. dated 20.7.1934 ~~requesting~~ regarding ~~recommending~~ ~~approval to the~~ proposal to recommend a lease for the consideration of the existing lease of lands of the Thandavaraya Gounder of Sri Subrahmanya Swami temple at Nanjangud from Sri Venkatapathi Iyer as the Manager, I am directed to request you to call for the lease deed executed by Sri V. Iyer as the Manager

is not enough the records
received with previous
under advisement.

Records are scheduled
for repeal & replacement with
proposed.

Thank you

for this

MS

2/28

GEN
M

776.

Misc 32-34

OTHER SECTION
7 SEP. 1934

12

13

14

ಸಾಮಾನ್ಯ ಕಂದಾಯ ಇಲಾಖೆಯ ಸಂಖ್ಯೆ

ಅಧಿಸೂಚನೆ

ಸಾರ್ವಜನಿಕರಿಗೆ ತಿಳಿಸಲು ಸಂತೋಷವಾಗುತ್ತದ

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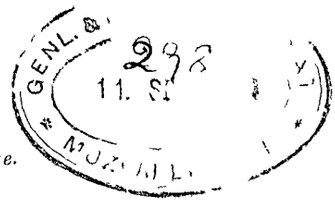
4 సంఖ్యా పరిమాణం కలిగిన ప్రతి సంఖ్యా సమితి
సమీపం కాకపోతే, అది అనంత సంఖ్యా సమితి
అవుతుంది. ఉదా: సహజ సంఖ్యా సమితి, పూర్ణ
సంఖ్యా సమితి, అకరణీయ సంఖ్యా సమితి
వాస్తవ సంఖ్యా సమితి, సంక్లిష్ట సంఖ్యా సమితి
అనంత సంఖ్యా సమితులు.

9.34

1592/33-34
Eve 1-7-6

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore,...8.11.....193



N. MADHAVA RAU, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

R. Ranga Rao, Esq., B. A., B.L.,

Chief Secretary to the Government of His Highness
the Maharaja of Mysore,
.....Bangalore..... *Department*

88
10/9/34

Lease of lands at Thardya belonging to the Sri Trikuteswaraswami temple at Nanjangud.

With reference to your letter No.287/Mu.C.33-34-3 dated 1st September 1934 re: the above, I have the honor to invite reference to the statements of Venkatapathi Iyengar recorded on 3rd April and 12th May 1934 and the Amildar's report dated 21st May 1934 enclosed in the records herewith transmitted from which it is clear that the lessee evaded the execution of the lease deed even though several notices were issued to him.

I have the honor to be,
Sir,
Your most obedient servant,

Assistant Commissioner
for Muzrai Commissioner,
(Absent from Head Quarters)

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Government Order No.730-1/Muz.29-32-4 dated 7th [illegible] according sanction to lease out the lands in the ta[illegible] village belonging to the temple of Sri Trilochanesvara [illegible] to Mr.Venkatapathi Jois for a period of 20 years on a [illegible] of Rs.300/- commencing from 1932-33, subject to [illegible] to by him.

2. Correspondence ending with letter No.1792/34-35 [illegible] eptember 1934 from the Muzrai Commissioner re[illegible] the proposal of the Deputy Commissioner, [illegible] -cellation of the lease referred to in the order read above a[illegible] holding of a fresh sale for a shorter period of 5 or 10 years, [illegible] advance of Rs.150/- paid by Mr.Venkatapathi Jois [illegible] -wards the rent of 1932-33.

---:0:---

Order No. 775-6/Merz 32-34 Bangalore, dated, Bangalore, 26th November 1934. 27/11

The recommendation of the Muzrai Commissioner

for [illegible]
GS

To

The Muzrai Commissioner in Mysore with records.
The Comptroller to Government.

hks.4

G.R.S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

Section 743

File No. 32-34

Serial No. 5

General and Revenue Secretariat

( )

the 193 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 2-1-1934

Signed by B. Medhakrishnappa

Read— C—o no 730-1/Mus 29-32-4 dt 7.11.32 according Sanction to lease out the lands in the tank bed of Thandya Village belonging to the temple of Sri Srikanteswara Swami at Nanjangud to Mr. Venkatapathi Jois for a period of 20 yrs on an annual rental of Rs 300/- Commencing from 32-33 ~~the current year~~, Subject to the Conditions agreed to by him.

2) Correspondence ending

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

8.9.34 from the M.C.
recommending sanction to the
proposal of the D.C. Nurse for
for the cancellation of the lease
held by in the order readalone
and the holding of a fresh
Sale for a short period
of 5 or 10 years, the advance
of Rs 150/- had been made Venkatapathi
Jois being adjusted towards
the rent of 1932-33.
order no 7756 of the one file GM
the recommendation
of the M.C. is sanctioned.

~~Jo 5/11/34~~ Chief Sec

List of Enclosure.

10

The M.C. with records
The Comptr.

GS
9/11

Copied by

Examined by

WD 73—GBPM—20,000—10-8-31